MONTANA LEGISLATIVE HISTORY

Chapter 529 19 93

Bill H 593 S _____ Original bill & history X C

H. Committee on BUSINESS & ECON DEV			S. Committee on TAXATION		
Hearing Date(s) & EXEC ACTION	2/17	X C	Hearing Date(s)	3/23	X C
		C	EXEC. ACTION	4/2	X C
		C			C
		C			C
Date Out		C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

House BILL NO. 593

INTRODUCED BY Selby

BY REQUEST OF THE DEPARTMENT OF TRANSPORTATION

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A SEASONAL BEER AND WINE LICENSE FOR THE YELLOWSTONE AIRPORT; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1.** Seasonal beer and wine license for Yellowstone airport. (1) Upon application, the department of revenue shall issue a retail beer and wine license to the Yellowstone airport, which is an airport near West Yellowstone, Montana, owned by the state of Montana and operated by the department of transportation.

(2) The application must be made by the department of transportation. The department of transportation may lease the license of use at the airport to an individual or entity approved by the department of revenue.

(3) The license is valid for the retail sale of beer and wine from June 1 to October 1 of each year.

(4) There is no annual fee for the license.

(5) The license issued pursuant to this section:

(a) is not subject to the quota provisions of 16-4-105;

(b) is nontransferable.

NEW SECTION. **Section 2.** Codification instruction. [Section 1] is intended to be codified as an integral part of Title 16, chapters 1 through 6, and the provisions of Title 16, chapters 1 through 6, apply to [section 1].

NEW SECTION. **Section 3.** Effective date. [This act] is effective May 31, 1993.

-End-

CHAPTER NUMBER 341
EFFECTIVE DATE: 04/13/93

HB 593 INTRODUCED BY SCHYE

ESTABLISH SEASONAL BEER AND WINE LICENSE FOR YELLOWSTONE AIRPORT

BY REQUEST OF DEPARTMENT OF TRANSPORTATION

2/11	INTRODUCED		
2/11	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
2/11	FIRST READING		
2/17	HEARING		
2/17	COMMITTEE REPORT—BILL PASSED		
2/19	2ND READING PASSED	98	0
2/22	3RD READING PASSED	98	1
	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO TAXATION		
3/23	HEARING		
4/06	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/12	2ND READING CONCURRED	47	1
4/13	3RD READING CONCURRED	47	2
	RETURNED TO HOUSE WITH AMENDMENTS		
4/15	2ND READING AMENDMENTS CONCURRED	97	2
4/16	3RD READING AMENDMENTS CONCURRED	94	4
4/21	SIGNED BY SPEAKER		
4/21	SIGNED BY PRESIDENT		
4/22	TRANSMITTED TO GOVERNOR		
4/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 529		
	EFFECTIVE DATE: 05/31/93		

HB 594 INTRODUCED BY LARSON

CLARIFY BEER AND WINE LICENSE TRANSFER OBLIGATIONS FOR CREDIT PURCHASES

2/11	INTRODUCED		
2/11	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
2/11	FIRST READING		
2/17	HEARING		
2/17	COMMITTEE REPORT—BILL PASSED		
2/19	2ND READING PASSED	96	2
2/22	3RD READING PASSED	99	0
	TRANSMITTED TO SENATE		
3/01	FIRST READING		
3/01	REFERRED TO BUSINESS & INDUSTRY		
3/18	HEARING		
3/20	COMMITTEE REPORT—BILL CONCURRED		
3/24	2ND READING CONCURRED	50	0
3/25	3RD READING CONCURRED	49	0
	RETURNED TO HOUSE		
4/02	SIGNED BY SPEAKER		
4/06	SIGNED BY PRESIDENT		
4/07	TRANSMITTED TO GOVERNOR		
4/12	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 311		
	EFFECTIVE DATE: 10/01/93		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By **CHAIRMAN STEVE BENEDICT**, on February 17, 1993, at 7:00 A.M.

ROLL CALL

Members Present:
Rep. Steve Benedict, Chairman (R)
Rep. Sonny Hanson, Vice Chairman (R)
Rep. Bob Bachini (D)
Rep. Joe Barnett (R)
Rep. Ray Brandewie (R)
Rep. Vicki Cocchiarella (D)
Rep. Fritz Daily (D)
Rep. Tim Dowell (D)
Rep. Alvin Ellis (R)
Rep. Stella Jean Hansen (D)
Rep. Jack Herron (R)
Rep. Dick Knox (R)
Rep. Don Larson (D)
Rep. Norm Mills (R)
Rep. Bob Pavlovich (D)
Rep. Bruce Simon (R)
Rep. Carley Tuss (R)
Rep. Doug Wagner (R)

Members Excused: None

Members Absent: None

Staff Present: Susan Fox, Legislative Council
Claudia Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: HB 593, HB 594, HB 596, HB 585, HB 600, HB 611, AND HB 612
Executive Action: HB 593, HB 594, & 476, HB 611

HEARING ON HB 611

Opening Statement by Sponsor:
REP. WILLIAM WISEMAN, House District 33, Great Falls, requested that HB 611 be tabled. He said that most of the provisions in

the bill were covered yesterday in a hearing on HB 573.

Proponents' Testimony:

None

Opponents' Testimony:

None

Questions From Committee Members and Responses:

None

Closing by Sponsor:

REP. WISEMAN closed.

EXECUTIVE ACTION ON HB 611

Motion: **REP. DAILY MOVED HB 611 BE TABLED.**

Discussion: None

Motion/Vote: The question was called. Voice vote was taken. Motion carried unanimously.

Vote: **HB 611 BE TABLED.** Motion carried 18 - 0.

HEARING ON HB 593

Opening Statement by Sponsor:

REP. TED SCHYE, House District 18, Glasgow, said HB 593 is at the request of the Department of Transportation to establish a seasonal beer and wine license for the West Yellowstone airport.

Proponents' Testimony:

Mike Ferguson, Administrator of the Aeronautics Division, Department of Transportation, said HB 593 will enhance the revenues at the West Yellowstone airport which is owned by the state of Montana and operated by the aeronautics division. The airport is self-sustaining and a marginal operation. Each year they contract a cafe manager to run the cafe. He said the cafe manager and previous cafe managers have informed him if they could have a beer and wine license it would enhance their business. He said they are only asking for a seasonal beer and wine license. The seasonal license request is from June 1 to October 1 of each year. He felt it would benefit the cafe because of the retardant and smoke jumper base located at the

airport. He said these people would probably stay and eat their dinner at the cafe. The airport has the facility to accommodate this request.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. DAILY asked **Mike Ferguson** if there are any conditions on the lease? **Mr. Ferguson** said no, it will be a year-to-year contract with the manager.

REP. BARNETT asked **Mike Ferguson** if the airport is open in the winter time? **Mr. Ferguson** said it is closed on October 1 of each year. He said the airport runway does remain open depending on snow conditions.

REP. LARSON asked **Mike Ferguson** if the state of Montana wanted to take on the liability of the beer and wine license in regard to drinking and driving? **Mr. Ferguson** said the alcohol content for a pilot is a lot more stringent than it is for a car driver.

REP. BACHINI asked **Mike Ferguson** who carries the liability insurance? **Mr. Ferguson** said the state does.

Closing by Sponsor:

REP. SCHYE closed.

EXECUTIVE ACTION ON HB 593

Motion: **REP. BRANDEWIE MOVED HB 593 DO PASS.**

Discussion: None

Motion/Vote: **REP. DAILY** called the question. Voice vote was taken. Motion carried unanimously.

Vote: **HB 593 DO PASS.** Motion carried 18 - 0.

HEARING ON HB 594

Opening Statement by Sponsor:

REP. DON LARSON, House District 65, Seeley Lake, said HB 594 is at the request of the beer and wine wholesalers association in Montana. It specifies that when a liquor license is transferred and the seller of the license to sell beer for line purchase on credit will go along with the license. The buyer will be

HOUSE OF REPRESENTATIVES
53RD LEGISLATURE - 1993
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

ROLL CALL DATE 2-17-93

NAME	PRESENT	ABSENT	EXCUSED
REP. ALVIN ELLIS	✓		
REP. DICK KNOX	✓		
REP. NORM MILLS	✓		
REP. JOE BARNETT	✓		
REP. RAY BRANDEWIE	✓		
REP. JACK HERRON	✓		
REP. TIM DOWELL	✓		
REP. CARLEY TUSS	✓		
REP. STELLA JEAN HANSEN	✓		
REP. BOB PAVLOVICH	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRITZ DAILY	✓		
REP. BOB BACHINI	✓		
REP. DON LARSON	✓		
REP. BRUCE SIMON	✓		
REP. DOUG WAGNER	✓		
REP. SONNY HANSON, VICE CHAIRMAN	✓		
REP. STEVE BENEDICT, CHAIRMAN	✓		

HR:1993
wp.rollcall.man

HOUSE STANDING COMMITTEE REPORT

February 17, 1993

Mr. Speaker: We, the committee on Business and Economic Development report that House Bill 593 (first reading copy -- white) do pass .

Signed: _____

Steve Benedict, Chair

Committee Vote:
Yes ___, No ___.

391305SC.Hss

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Business & Ec. COMMITTEE BILL NO. HB 593

DATE Feb. 17, 1993 SPONSOR(S) T. Schye

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
MIKE FERGUSON	DOT Aeronautics Div	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By Vice Chair Dorothy Eck, on March 23, 1993, at 8:00 a.m.

ROLL CALL

Members Present:
Sen. Dorothy Eck, Vice Chair (D)
Sen. Bob Brown (R)
Sen. Steve Doherty (D)
Sen. Delwyn Gage (R)
Sen. Lorents Grosfield (R)
Sen. John Harp (R)
Sen. Spook Stang (D)
Sen. Tom Towe (D)
Sen. Fred Van Valkenburg (D)
Sen. Bill Yellowtail (D)

Members Excused: Sen. Mike Halligan (D)

Members Absent: None.

Staff Present: Jeff Martin, Legislative Council
Bonnie Stark, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: HB 196, HB 382, HB 519, HB 593
Executive Action: SB 427, SB 429, HB 283

HEARING ON HB 382

Opening Statement by Sponsor:

Rep. Mike Foster, House District 32, presented HB 382, which is a bill to establish the value of limestone for Net Proceeds Taxes and RITT. Rep. Foster said this bill comes as the result of a unique situation in Broadwater County. Continental Lime (the company) has a plant near Townsend. The company recently discovered that for the last 10 years or so, they have been vastly over-paying their taxes, thus providing a windfall for the state's economy. The Department of Revenue (DOR) agrees that by using an acceptable alternate method of calculation, the company

HEARING ON HB 593

Opening Statement by Sponsor:

Rep. Ted Schye, House District #18, presented HB 593, which is a bill to establish a seasonal beer and wine license for the Yellowstone Airport. HB 593 is drafted at the request of the Aeronautics Division, Department of Transportation (DOT). A similar bill has been presented to the Legislature in the past; however, that was not for a seasonal license.

Proponents' Testimony:

Mike Ferguson, Administrator of the Aeronautics Division, DOT, spoke in support of HB 593. He said a seasonal beer and wine license would enhance the operation of the airport at Yellowstone. The airport is self-sustaining; the commercial sections of the airport are leased out to private operators and vendors. They have had trouble getting and keeping cafe operators over the years, and the current operator feels it would enhance his business to be able to sell beer and wine along with the meals. There is both a smokejumper base, as well as a fire retardant bomber operation, at this airport, and the people who work there head to town rather than eat at the airport.

Opponents' Testimony:

None.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Towe asked Mr. Ferguson if the provision in the bill saying the DOT shall lease the license means that the DOT would own the license and would lease it to whomever is leasing the restaurant. Mr. Ferguson said this is correct; it would be a part of the lease during the time the restaurant is open, June 1st to October 1st.

Senator Towe asked what the DOT would charge the lessee for this beer/wine license. Mr. Ferguson said under the current contract, the DOT gets 10% of the lessee's gross. There wouldn't be anything extra above the 10% amount.

Senator Gage asked if this would also provide seasonal gaming. Mr. Ferguson said he thought one had to have an all-beverage license in order to have a gaming license. Senator Eck said this is not correct. Senator Gage asked if he would like to see gaming on the premises, to which Mr. Ferguson replied he would like that because it would increase the revenue at that airport.

Closing by Sponsor:

Rep. Schye said the gaming issue was brought up in the House, and they didn't know if enough money could be made with the machines over the summer season to justify the effort. He asked Committee support of HB 593.

EXECUTIVE ACTION ON SB 427

DISCUSSION:

Senator Eck said this is the committee bill from this Committee on SIDs and RSIDs because the last two Attorney Generals were not able to give an opinion on the issues. The Conference Committee in a previous legislative session did not leave minutes of their meetings, and no one could remember what the intent of the law was.

Senator Gage said he visited with Gordon Morris from the Montana Association of Counties (MACO), who said the revolving funds are county-wide if it is county, and municipal-wide if it is municipal. His concerns have been answered in this respect.

Senator Van Valkenburg said that if a tax that had been levied in 1986 is no longer being levied, the mills that had been levied could be transferred to a different purpose and still stay within the I-105 parameters.

MOTION/VOTE:

Senator Gage moved SB 427 DO PASS. The motion CARRIED UNANIMOUSLY on oral vote. (651041SC.San)

EXECUTIVE ACTION ON SB 429

DISCUSSION:

Senator Gage distributed an amendment to SB 429, which is Exhibit No. 8 to these minutes.

Jeff Martin, Legislative Council Staff, explained this amendment means that the Oil and Gas Conservation Board can only use the funds for oil and gas reclamation projects and not for any personnel costs or general operating expenses of the Board. The second part says the unobligated fund balance becomes a part of the $600,000 for the next biennium. Mr. Martin said these grants are funded by RITT.

Senator Towe asked if this bill is the one that would insist that priority be given to requests not to exceed $600,000 that would be used for plugging oil and gas wells, and this bill obviates the need for the other bill introduced by Senator Gage. Senator Gage said this is correct.

ROLL CALL

SENATE COMMITTEE TAXATION DATE 3-23-93

NAME	PRESENT	ABSENT	EXCUSED
Sen. Halligan, Chair			✓
Sen. Eck, Vice Chair	✓		
Sen. Brown	✓		
Sen. Doherty	✓		
Sen. Gage	✓		
Sen. Grosfield	✓		
Sen. Harp	✓		
Sen. Stang	✓		
Sen. Towe	✓		
Sen. Van Valkenburg	✓		
Sen. Yellowtail	✓		

FC8

Attach to each day's minutes

DATE 3-23-93

SENATE COMMITTEE ON Taxation

BILLS BEING HEARD TODAY: HB 196, 382, 519, 593

Name	Representing	Bill No.	Check One: Support	Check One: Oppose
Bill Bekins	BCBC	382	✓	
Jim Holt	Broadwater Co	382	✓	
Bill Quesada	" "	382	✓	
Elton Thornley	" "	382	✓	
Gordon Morris	MACO	196		
Steve Brown	Continental Lime	382	✓	
Mark Dayat	Mont. Audubon Legislative Fund	HB 519	✓	
Don Hakin	Continental Lime Inc.	382	✓	
Dick Juntunen	Resource Management Ass	382	✓	
Mike Ferguson	DOT Aeronautics Div	593	✓	
Ann Marie Gritzuk	DNRC	519	✓	
Bill Dodge	Continental Lime	382	✓	
Brent Palmer	" "	382	✓	
Jennifer Brown	MONTA	382	✓	
David Owen	MT Chamber	519	✓	
Rick Mois	Treecycle Paper	519	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By Chairman Mike Halligan, on April 2, 1993, at 8:00 a.m.

ROLL CALL

Members Present:

Sen. Mike Halligan, Chair (D)
Sen. Dorothy Eck, Vice Chair (D)
Sen. Bob Brown (R)
Sen. Steve Doherty (D)
Sen. Delwyn Gage (R)
Sen. Lorents Grosfield (R)
Sen. John Harp (R)
Sen. Spook Stang (D)
Sen. Tom Towe (D)
Sen. Fred Van Valkenburg (D)

Members Excused: Sen. Bill Yellowtail (D)

Members Absent: None.

Staff Present: Jeff Martin, Legislative Council
Bonnie Stark, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 495, HB 505, HB 588, HB 645
Executive Action: HB 167, HB 181, HB 193, HB 196, HB 303, HB 330, HB 350, HB 382, HB 402, HB 413, HB 436, HB 495, HB 505, HB 516, HB 519, HB 539, HB 555, HB 559, HB 588, HB 593, HB 645

HEARING ON HB 495

Opening Statement by Sponsor:

Rep. Jim Elliott, House District #51, presented HB 495, which is a bill to extend to restaurants who have a beer and wine license the ability to apply for an off-premises catering license from the Department of Revenue (DOR). This will bring these people in line with bars who currently have that license, and provides that only those establishments who are engaged primarily in the business of providing meals with table service may be able to apply for this endorsement.

MOTION/VOTE:

Senator Eck moved the amendments to HB 519 as presented by Rep. Beverly Barnhart. The motion CARRIED UNANIMOUSLY on oral vote.

MOTION/VOTE:

Senator Eck moved HB 519 BE CONCURRED IN AS AMENDED. The motion CARRIED UNANIMOUSLY on oral vote. (741600SC.Sma) Senator Halligan will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 593

DISCUSSION:

Senator Gage said the only concern he has with HB 593 is it looks like a sneaky way of getting gambling machines into the Yellowstone Airport.

Senator Harp asked what "seasonal" means in this bill. Senator Eck responded that it is June 1st to October 1st.

Senator Stang thinks this would be a substantial expansion of the whole process at the Yellowstone Airport. He said the next time they come to the Legislature, they may decide they can keep the airport plowed out all winter, run planes year-round, and use the argument that since they have the seasonal license, they would like to have it forever. This would mean giving a license that the Legislature hasn't given to anybody else at any other airport in the state.

Senator Towe carried Senator Stang's argument further and said every other airport will be coming to the Legislature asking for a liquor license special to airports. He also said the beer and wine license requested in this bill is non-transferable and could be amended to read that it shall not include gambling.

MOTION:

Senator Eck moved HB 593 BE CONCURRED IN.

SUBSTITUTE MOTION:

Senator Stang moved to TABLE HB 593. This motion was withdrawn.

SUBSTITUTE MOTION/VOTE:

Senator Eck moved to add a "c" section that reads, "does not permit gambling activities otherwise allowed under Title 23, part 5". The motion CARRIED UNANIMOUSLY on oral vote.

MOTION/VOTE:

Senator Eck moved that HB 593 BE CONCURRED IN AS AMENDED. The motion CARRIED on oral vote with Senators Stang, Harp, and Gage voting "NO". (761426SC.San) Senator Swysgood will carry the bill on the Senate floor.

EXECUTIVE ACTION ON HB 555

DISCUSSION:

In response to questions by Committee members, Senator Towe explained District Court fees are split into several different accounts, some fees going to judges retirements, and some going to the Department of Family Services (DFS), and other accounts.

Senator Halligan said he is concerned about the $2 fee the Department of Family Services will be required to pay for every certification, because every case filed must have certified copies and they do not have a budget to cover this expense. However, it was pointed out by Senator Towe that the concern of Senator Halligan was taken care of by the amendment placed on this bill in the Judiciary Committee.

Senator Gage asked about the increase in fees. Senator Towe said dissolution of marriage will be $120; transferring a judgment from another court raises from $1 to $80, and a judgment filing fee is raised to $45. Senator Grosfield said this applies only to judicial determination of birthdays, not every other judgment.

MOTION/VOTE:

Senator Towe moved HB 555 BE CONCURRED IN. The motion CARRIED on oral vote with Senators Stang and Gage voting "NO". (741552SC.Sma) Senator Lynch will carry the bill on the Senate floor.

EXECUTIVE SESSION ON HB 193

DISCUSSION:

Bill Stevens, Montana Food Distributors Association (MFDA), asked if the cap would be reduced from 10 cents to 7 cents. Senator Halligan explained the Ag Committee amended HB 193 so the funds will go back to the earmarked revenue account, and the fee will be reduced from 10 cents to 7 cents.

MOTION:

Senator Towe moved HB 193 BE CONCURRED IN AS AMENDED.

ROLL CALL

SENATE COMMITTEE TAXATION DATE 4-2-93

NAME	PRESENT	ABSENT	EXCUSED
Sen. Halligan, Chair	✓		
Sen. Eck, Vice Chair	✓		
Sen. Brown	✓		
Sen. Doherty	✓		
Sen. Gage	✓		
Sen. Grosfield	✓		
Sen. Harp	✓		
Sen. Stang	✓		
Sen. Towe	✓		
Sen. Van Valkenburg	✓		
Sen. Yellowtail			✓

FC8

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

April 5, 1993

MR. PRESIDENT:
We, your committee on Taxation having had under consideration House Bill No. 593 (third reading copy -- blue), respectfully report that House Bill No. 593 be amended as follows and as so amended be concurred in.

Signed: _____
Senator Mike Halligan, Chair

That such amendments read:

1. Page 1, line 25.
Following: "nontransferable"
Insert: ";
(c) does not permit gambling activities otherwise allowed under Title 23, part 5"

-END-

Amd. Coord. Swysgood